

REMARKS

A petition to extend the time for response by three (3) months is enclosed herewith.

Claim 15 has been amended. Claims 11 – 20 are currently pending in the present application.

In the Office Action, claims 11, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sauter et al US Patent No. 6,967,314. Also, in the Office Action, claims 12-14, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauter et al US Patent No. 6,967,314 in view of Stockley US Patent Application 2005/0000958.

Favorable reconsideration is respectfully requested in view of the amendment of claim 15 and the following comments.

Claim 11 of the present application recites a cooking area comprising at least one heating element, a power controller for setting a heating output of the heating element which operates according to the set heating output in at least one of a first operating mode and a second operating mode, and an indicating device which indicates the set heating outputs in the first operating mode with symbols from a first set of symbols. The indicating device indicates heating outputs in the second operating mode with symbols from a second set of symbols.

Sauter et al US Patent No. 6,967,314 discloses a cooking device 4 having a display 60.

Stockley US Patent Application 2005/0000958 discloses a seven digit display for a cooking device.

As will be explained in greater detail hereinafter, it is respectfully submitted that neither Sauter et al US Patent No. 6,967,314 or Stockley US Patent Application 2005/0000958 provide any motivation to one of skill in the art to combine the respective arrangements of these two references, let alone to selectively combine the respective arrangements of these three references in the manner alleged by the Examiner. In view of the display structures of Sauter et al US Patent No. 6,967,314 and Stockley US Patent Application 2005/0000958, it can clearly be appreciated that none of these cited references provides any motivation to one of ordinary skill in the art to modify the display arrangements of any of these references. Moreover, even if these cited references provided some motivation to one of ordinary skill in the art to modify the display arrangements of one of these references, which Applicant submits there is not, it is clear that none of these references provides any guidance as to how such a modification could be effected. In fact, Sauter et al US Patent No. 6,967,314 does not teach or disclose a cooking device having an indicator display that displays a first set of symbols (such as the symbols consisting of numbers "0" to "9" in the first Group I power stage of the gas burner 1 of the present application) and that displays as well a second set of symbols (such as the symbols in the second Group II power stage of the gas burner 1 of the present application. Moreover, it is even clearer that none of these references provides any guidance as to how one of ordinary skill in the art should modify the respective arrangements of these references so as to produce the modified display arrangement alleged by the Examiner.

Prior art must be considered in its entirety, including disclosures that teach away from the claimed invention. The Examiner cannot conveniently select

some portions of the secondary reference to fill the gaps in the primary reference while disregarding other portions of the references that teach away from the proposed combination. Most, if not all, inventions arise from a combination of old elements. See In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. See id. However, mere identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. See id. "It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps." In re Gorman, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991).

Thus, it is submitted that the Examiner has not established a prima facie case of obviousness with respect to the claimed invention and the combination of Sauter et al US Patent No. 6,967,314 and Stockley US Patent Application 2005/0000958. An Examiner must establish an apparent reason to combine the known elements, and the underlying analysis supporting this apparent reason must be expressly articulated. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulate reasoning with some rational underpinning to support the legal conclusion of obviousness." See In re Kahn, 441 F.3d 977, 988 (CA Fed. 2006).

For these reasons, which are supported by evidence identified within the references themselves, and also for other reasons, Sauter et al US Patent No. 6,967,314 and Stockley US Patent Application 2005/0000958, either alone or in combination, do not teach or suggest the subject matter defined by independent Claim 11. Therefore, Claim 11 is allowable. Claims 12 - 20 depend from Claim 11 and are allowable for the same reasons and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 11 - 20 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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January 9, 2009

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